

composed of and contained ingredients and medicinal agents effective for causing and producing the curative and therapeutic effects set forth and declared in the said carton and circular.

In addition to the above misbranding charge, this department recommended that charges be brought that the articles were adulterated in that their strength fell below the professed standard under which they were sold, namely, (labels) "A powerful antiseptic and germicide," (circulars) "A germicide * * * antiseptic," (circular with L. O. Compound No. 2) "It is a powerful antiseptic and germicide," and that they were misbranded in that the following statements were false and misleading: (Labels) "A powerful antiseptic and germicide;" (circulars) "A germicide * * * antiseptic;" (circular with L. O. Compound No. 2) "It is a powerful antiseptic and germicide. * * * the sutures and field of operation are again treated with L. O. Compound No. 2 which serves as an antiseptic."

On June 22, 1929, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17452. Adulteration and misbranding of fluid extract of ginger. U. S. v. Ten 5-Gallon Bottles of Fluid Extract of Ginger. Default decree of condemnation and forfeiture. Product delivered to Department of Agriculture. (F. & D. No. 24755. I. S. No. 030575. S. No. 3116.)

Examination of samples of the fluid extract of ginger from the herein-described interstate shipment having shown that the product did not conform to the United States Pharmacopoeia, in that it contained rosin and a phenolic ingredient, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Georgia.

On May 13, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of ten 5-gallon bottles of fluid extract of ginger, remaining in the original unbroken packages at Macon, Ga., alleging that the article had been shipped by the Hub Products Co., from Boston, Mass., on March 3, 1930, and had been transported from the State of Massachusetts into the State of Georgia, and charged with adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract of Ginger U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of quality and purity as determined by the test laid down in that authority, in that it contained rosin and a phenolic ingredient. Adulteration was alleged for the further reason that the purity of the said article fell below the professed standard under which it was sold, to wit, "Fluid Extract of Ginger U. S. P."

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the name of another article.

On May 31, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to this department for research purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17453. Misbranding of Anti-Phymin. U. S. v. 11 Bottles of Anti-Phymin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24578. I. S. No. 012545. S. No. 2848.)

Samples of a drug product known as Anti-Phymin from the herein-described interstate shipment having been found to bear in the labeling a misrepresentation as to its composition, and certain claims of curative and therapeutic effects it was incapable of producing, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Alabama.

On February 27, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 bottles of the said Anti-Phymin, remaining in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by R. E. MacIntire & Co., from Pensacola, Fla., on or about June 13, 1929, and had been transported from the State of Florida into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of sulphur dioxide (0.16 per cent), nonvolatile matter (0.03 per cent), and water (99.81 per cent).

It was alleged in the libel that the article was misbranded in that the statement, "Anti-Phymin is a * * * compound of essential atmospheric elements," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and fraudulent, in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed; and the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof that the article was, in whole or in part, composed of or contained ingredients or medicinal agents effective in the treatment of the diseases and conditions named therein: "A * * * preparation for internal and external use which effectively controls the bacterial fermentation of waste organic matter in or about the body * * * the healing gas * * * In the control of fermentation lies the secret of the control of disease. For external use Anti-Phymin should be used in any condition causing or likely to cause pain, soreness or inflammation apply * * * to the part affected and keep same wet with Anti-Phymin."

On May 26, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17454. Misbranding of Nozol. U. S. v. 14 Dozen Bottles of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23682. I. S. No. 05235. S. No. 1920.)

Samples of a drug product known as Nozol having been found to bear in the labeling certain curative and therapeutic claims not justified by its composition, the Secretary of Agriculture reported to the United States attorney for the District of Minnesota the presence of a quantity of the product at Minneapolis, Minn.

On May 7, 1929, the United States attorney filed in the District Court of the United States for the District of Minnesota a libel praying seizure and condemnation of 14 dozen small-sized bottles of Nozol, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Nozol Co. (Inc.), from Pittsburgh, Pa., on or about April 13, 1929, and had been transported from the State of Pennsylvania into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil containing small amounts of camphor, menthol, and oil of peppermint.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Keeps the nose clean and healthy;" (counter display card accompanying shipment) "Relieves Sinus Trouble * * * Makes Breathing Easy * * * Recommended by Specialists for * * * Hay Fever, General Nose Troubles. Use Nozol For Sinus Trouble;" (folder accompanying shipment) "Nozol America's Nose Remedy * * * The Health and Care of the Nose. Medical authorities are stressing the importance of the proper, regular care of the nose as a preventive of disease as well as in the treatment where infection has already set in. Most of the troubles of the human race can be traced to germs. And it is through the nasal passages that many of these germs enter. We constantly breathe air that is filled with dust, germ-laden particles—some of these pass off with the nasal secretions. However, not all are passed because many lodge on the moist membranous linings and soon an infection appears. Regular cleaning of the nasal passages is as important as cleaning your teeth,—the fact that they cannot readily be seen results in many people neglecting them. Nozol is today recognized by physicians, hospitals and specialists as the foremost preparation for the treatment of general nasal troubles. Furthermore, they recommend Nozol to prevent as well as to check disease. * * * Nozol healing * * * the infected parts * * * and helping to stop further spread of the infection. * * *